

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)

Eric W. Rellihan)

Auditor)

Office of the Inspector General)

569 West Drive)

Severna Park, Maryland 21146)

DATE: September 11, 2003

DOCKET NO.: 03F-104

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Official Code §1-1106.02 (2001 Edition), Eric W. Rellihan, Auditor, Office of the Inspector General, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing date of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 8, 2003, OCF ordered Eric W. Rellihan (hereinafter respondent), to appear at a scheduled hearing on August 20, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

IN THE MATTER OF: Eric W. Rellihan
Page 2

On August 14, 2003, the respondent filed an affidavit with OCF stating that his employment with the District Government terminated on January 10, 2003. He further stated that his brief exit conference did not include information concerning the requirement to file a Financial Disclosure Statement with OCF. Moreover, respondent stated that he has timely filed this report with OCF in the past. On August 12, 2003, respondent filed the required FDS online.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements in 2002 and 2001.
2. Respondent's employment with the District of Columbia Government terminated on January 10, 2003.
3. Respondent was not informed, at the time of his exit interview, of the requirement to file an FDS upon separation from government service.
4. OCF provided notice to respondent of the requirement to file if the filer ceases to serve prior to May 15th of any year on its Financial Disclosure Statement form.
5. Respondent was required to file a Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003, in accordance with D.C. Official Code §1-1106.02.
6. Respondent filed a Financial Disclosure Statement with OCF for calendar year 2002 on August 12, 2003.
7. Respondent's explanation for the filing delinquency is credible in that he was not informed of the requirement to file a final FDS with OCF during his exit interview.
8. Respondent has no history of prior filing delinquencies.
9. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$1,800.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days from the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.